

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

FEB 09 2006

Application Number	10/726,299
Filing Date	December 1, 2003
First Named Inventor	MARK L. ANDERSON
Group Art Unit	1654
Examiner Name	Susan B. McCormick-Ewoldt
Attorney Docket Number	01639.000014

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/26) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on December 12, 2005. (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
- i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other Petition under 37 C.F.R. § 1.136(a)

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 06-1205
- | | |
|---|--|
| i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e) | <u>02/09/2006 SZEWDIE1 00000120 10726299</u> |
| ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) | <u>01 FC:1801 790.00 0P</u> |
| iii. <input type="checkbox"/> Other _____ | |
- b. Checks in the amount of \$ 790.00 (RCE fee) and \$ 120 (extension of time fee) are enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Elizabeth F. Holoway	Registration No. (Attorney/Agent)	42,667
Signature		Date	February 8, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date
Signature		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Director of the U.S.P.T.O., P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Submitted date: 05/08/2006 SDIRETAA1 00000004 10726299
02/09/2006 SZEWDIE1 00000120 10726299
01 FC:1801 -790.00 0P
NPMAN 551863v1

RCF \$
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05/08/2006 SDIRETAA1 00000004 10726299
Name/Number: 10726299 \$395.00 CR
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01639.000014



PATENT MAINTENANCE
DIVISION

Dep & Ref

206 APR -7 PM 4:30 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MARK L. ANDERSON ET AL.) : Examiner: Susan B. McCormick-Ewoldt
Application No.: 10/726,299) : Group Art Unit: 1654
Filed: December 1, 2003) :
For: INHIBITION OF P. ACNES USING) :
BOTANICAL EXTRACTS) : April 5, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicants request a refund of \$395.00. It is requested that the refund be applied as a credit to our Deposit Account 06-1205. The reason for the refund is explained below.

On February 9, 2006, Applicants filed a Request for Continued Examination and Petition Under 37 C.F.R. § 1.136(a). A copy of the Request for Continued Examination and Petition Under 37 C.F.R. § 1.136(a) and return postcard are attached.

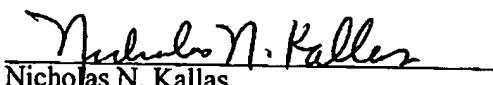
A refund is requested because due to an oversight the Verified Statement of Small Entity Status was not filed with the Request for Continued Examination filed on February 28, 2006.

Accordingly, Applicants hereby request a refund and authorize the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$395.00, to correct this matter.

BEST AVAILABLE COPY

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Nicholas N. Kallas
Nicholas N. Kallas
Attorney for Applicants
Registration No. 31,530

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

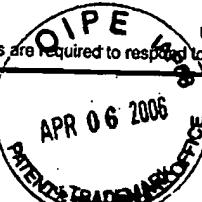
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Filing Date	December 1, 2003
First Named Inventor	MARK L. ANDERSON
Group Art Unit	1654
Examiner Name	Susan B. McCormick-Ewoldt
Attorney Docket Number	01639.000014

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1. Submission required under 37 C.F.R. § 1.114
a. <input checked="" type="checkbox"/> Previously submitted
i. <input checked="" type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on <u>December 12, 2005</u> (Any unentered amendment(s) referred to above will be entered).
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
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b. <input checked="" type="checkbox"/> Other Petition under 37 C.F.R. § 1.136(a)
3. Fees
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. <u>06-1205</u>
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)
ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
iii. <input type="checkbox"/> Other _____
b. <input checked="" type="checkbox"/> Checks in the amount of \$ <u>790.00</u> (RCE fee) and \$ <u>120</u> (extension of time fee) are enclosed
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

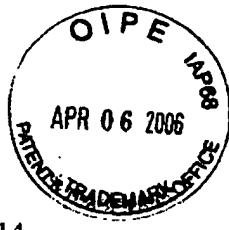
Name (Print/Type)	Elizabeth F. Holowacz	Registration No. (Attorney/Agent)	42,667
Signature		Date	February 8, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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01639.000014

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MARK L. ANDERSON ET AL.) Examiner: Susan B. McCormick-Ewoldt
Application No.: 10/726,299) Group Art Unit: 1654
Filed: December 1, 2003)
For: INHIBITION OF P. ACNES USING)
BOTANICAL EXTRACTS) February 8, 2006

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PETITION UNDER 37 C.F.R. § 1.136(a)

Sir:

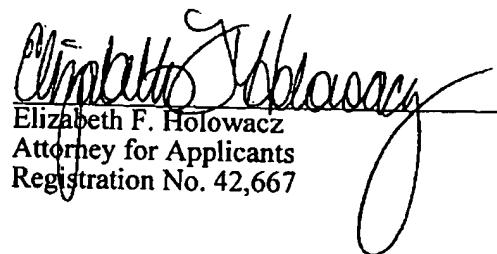
Applicants petition the Commissioner for Patents to extend the time for further action in the above-identified case for one month from January 31, 2006, to February 28, 2006.

Submitted herewith is a check for \$120.00 to cover the fee for the extension under 37 C.F.R. § 1.17. Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 06-1205. A duplicate copy of this petition is enclosed.

BEST AVAILABLE COPY

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Elizabeth F. Holowacz
Attorney for Applicants
Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 02, 09, 06
Mo. Day Yr.

Atty. Docket 01639.000014
10/726,299

Sir:

Kindly acknowledge receipt of the accompanying:

- Specifications, claims and abstract _____ pages, with Transmittal Form
 Patent Application Bibliographic Data Sheet _____ sheets
 Executed Oath or Declaration and Power of Attorney
 _____ Sheets of _____ formal _____ informal drawings
 Check for \$ _____ (filing fee)
 Request for Continued Examination and Check for \$ 790.00
 Assignment, PTO-1595 and Check for \$ _____
 Transmittal Under 37 CFR 1.53(d) (CPA)
 Petition under 37 CFR 1.136 and check for \$ 120.00

Other (specify)

by placing your receiving date stamp hereon and mailing or returning to deliverer.
This is a Continuation Divisional Continuation-In-Part

Atty. NAK/ETH/Mec

Due Date 2, 28, 06
Mo. Day Yr.

37 CFR 1.8
37 CFR 1.10
By Hand

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MARK L. ANDERSON ET AL.

Application No.: 10/726,299

Filed: December 1, 2003

For: INHIBITION OF P. ACNES USING
BOTANICAL EXTRACTS

) Examiner: Susan B. McCormick-Ewoldt
Group Art Unit: 1654
February 8, 2006

Commissioner for Patents
P.O. Box 1450
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2/09/2006 SZEWDIE1 00000121 10726299

01 FC:1251 120.00 DP

Adjustment date: 05/08/2006 SDIRETA1
02/09/2006 SZEWDIE1 00000121 10726299
01 FC:1251 -120.00 DP

05/08/2006 SDIRETA1 00000005 10726299

01 FC:2251 60.00 DP

Repln. Ref: 05/08/2006 SDIRETA1 0010495700
Date: 061205 Name/Number: 10726299
FC: 9204 \$60.00 CR